HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.16325 of 2006

Dated : 3rd August 2006

Between:-

Velde Shiva Moorthy s/o. Mutti Lingam ..
Petitioner

And

1. The Commissioner, Warangal Municipal
   Corporation.
2. The Chief City Planner, Warangal,
   Municipal Corporation, Warangal.
3. The Vice-Chairman, Kakatiya Urban
   Development Authority,
   Warangal.

..Respondents

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W.P.No.16325 of 2006

ORDER:

The writ petition is filed for a writ of mandamus declaring the action of the respondents in trying to lay road on petitioner's property by demolishing house bearing No.15-11-242, Ramannapet, Warangal, without issuing any notice of without initiating any proceedings either under Land Acquisition Act or any other Act as being illegal, arbitrary and unconstitutional besides being violative of the procedure established under law and violative of procedure as contemplated under Sections 146 and 147 of Hyderabad Municipal Corporation Act and to pass such other suitable orders.

It is stated that the petitioner purchased the property on 7-2-1992 and the respondents made marking over the property on 27-7-2006. However, the Counsel representing the respondents would submit that on some apprehension the writ petition was filed. Several factual details had been narrated in paras 2 and 3 of the affidavit filed in support of

the writ petition.

In view of the facts and circumstances well explained, this court is of the considered opinion that the writ petition can be disposed of with the following directions:

The respondents not to carry out any demolition activity in relation to the subject matter of the writ petition unless and until they follow the due process of law. It is needless to say that the respondents are at liberty to proceed under the provisions of the Land Acquisition Act if they choose to do so.

With the above direction the Writ Petition is disposed of. No order as to costs.

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Justice P.S. Narayana

Dt.3-8-2006

Note:
Communicate the operative portion of the order by wire at party's costs.

AM